

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

The disclosure is amended by the present response to address the objection noted in paragraph 2 of the Office Action.

Claims 1, 3, 5-9, 11, 13-17, 19, 21-25, 27, and 29-32 are pending in this application. Claims 2, 4, 10, 12, 18, 20, 26, and 28 are canceled by the present response without prejudice.

Claims 1, 2, 8-10, 16-18, 24-26, 33, and 35 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. patent 5,341,154 to Bird in view of U.S. patent 6,552,738 to Lin et al. (herein "Lin"). Claims 3, 4, 11, 12, 19, 20, 27, 28, 32, 34, and 36 were rejected under 35 U.S.C. § 103(a) as unpatentable over Bird, Lin, and further in view of U.S. patent DES 409,583 to Nishida et al. (herein "Nishida"). Claims 5, 13, 21, and 29 were rejected under 35 U.S.C. § 103(a) as unpatentable over Bird, Lin, and further in view of U.S. patent 6,546,231 to Someya et al. (herein "Someya"). Claims 6, 14, 22, and 30 were rejected under 35 U.S.C. § 103(a) as unpatentable over Bird, Lin, Nishida and further in view of Someya. Claims 7, 15, 23, and 31 were rejected under 35 U.S.C. § 103(a) as unpatentable over Bird, Lin, and further in view of "Microsoft Windows NT Workstation 4.0 User Manual", 1999 to Boyce (herein "Boyce").

Addressing each of the above-noted rejections, each of the rejections is traversed by the present response.

Initially, applicants note that certain positions in the outstanding Office Action appear to take Official Notice, see for example the Office Action of November 25, 2003, at page 8, line 9. To the extent that Official Notice is taken for any position in the current rejections, or may be taken for future rejections, applicants traverse that position and require that prior art be cited for the positions for which Official Notice is and may be taken.

Now with respect to independent claim 1, independent claim 1 is amended by the present response to incorporate the limitations of previously pending dependent claim 2. Such subject matter was rejected in the Office Action over the combination of the teachings of Bird and Lin.¹ Independent claim 1 is also amended by the present response to further clarify that “one of said first and second operating means is provided outside of said display body and the other of said first and second operating means is provided on the display body but outside of said display screen”. That subject matter is believed to be fully supported by the original specification for example in Figure 2. In Figure 2 buttons B1-B4, which can as a non-limiting example support the claimed “first operating means”, are formed outside of the display body, whereas the second operating means, which can as a non-limiting example correspond to the dial 32, are clearly formed on the display body but are outside of the display screen 31. The above-noted features are presented to clarify the structure of the control operating means and unit set forth in the claims.

Further, applicants respectfully submit that amended independent claim 1 clearly distinguishes over such combinations of teachings. Applicants particularly submit that the Office Action is not properly considering both of the “first operating means” and “second operating means” positively recited in independent claim 1.

More particularly, according to the claimed features an information processing device includes both “first operating means for operating the information processing device” when a back surface of a display body is close to a main body by rotation, and such that “a system menu showing processing items” is displayed “based on an operation of said first operating means”. Thus, in claim 1 that first operating means, which can be provided outside of said display body, controls the display of a system menu. As a non-limiting example shown in Figure 2 in the present specification such a first operating means can correspond to the

¹ Office Action of November 25, 2003, page 6, prenumbered paragraph 3.

buttons B1-B4, which can be provided outside of said display body, and that controls the display of a main menu onto a screen.

Amended independent claim 1 recites a further element of a “second operating means” also operable when the back surface of the display body is close to the main body, and such that “a processing item to be executed from said system menu” is displayed “based on an operation of said second operating means”. As a non-limiting example that second operating means corresponds to the dial 32 shown in Figure 2. That second operating means can be provided on the display body but outside of the display screen and is provided to select an item to be executed from the system menu, and again noting that the display of the system menu is controlled based on an operation of the first operating means, again as a non-limiting example by controlling buttons B1-B4 in Figure 2.

In such ways, amended independent claim 1 requires two separate operating devices, (1) one that controls the display of a system menu and (2) a second that controls selecting an item in the displayed system menu. Further, both such operating devices can be operated when the display body is close to the main body by rotation. Further, one of the two separate operating devices is provided outside the display body and the other is provided on the display body but outside of the display screen.

The above-noted features are believed to clearly distinguish over the applied art.

The outstanding rejection relies upon Bird disclosing a first operating means corresponding to the stylus 75 as described at column 7, lines 4-14. That basis for the rejection is traversed.

First, the stylus in Bird is part of a display body.

Further, the stylus in Bird does not result in the display of a system menu showing processing items based on an OS program on a display screen “based on an operation of said first operating means”. In contrast to the operation of the “first operating means” required in

amended claim 1, in Bird the stylus allows a selection of different menu items, see for example Bird at column 7, lines 38-42, and thus at most may be similar to the claimed “second operating means”. The stylus 75 in Bird clearly does not correspond to the claimed “first operating means”.

Applicants also note that Bird does not disclose any operation of the stylus under a photographing mode, as recited in further of the claims, and the outstanding rejection is believed to have not properly addressed that feature. More specifically, the outstanding rejection has essentially ignored that feature and summarily dismissed it as obvious without indicating any such motivation, which is improper.

Further, with respect to the claimed “second operating means” the outstanding Office Action appears to reference the keypad 40 in Bird to meet such limitations.²

However, applicants respectfully submit that clearly the keypad 40 in Bird does not correspond to the claimed “second operating means”. The keypad 40 in Bird is merely a numeric keypad,³ and Bird appears to utilize such a numeric keypad 40 as an extension to save space in the regular keyboard. However, Bird does not provide any teaching or suggestion that such a mere numeric keypad can “select a processing item to be executed from said system menu based on an operation” thereof, as is the required operation for the claimed “second operating means”.

Applicants also traverse the position in the Office Action that the operation of the keypad for a specific condition is a matter of design choice, as stated in the Office Action at page 9, first paragraph.

What the outstanding rejection does not appear to be properly considering is that the claimed invention provides a simple and easy to use structure and operation in which a user can easily utilize an information processing device, for example in a photograph mode. Such

² See for example the Office Action of November 25, 2003, referring to the rejection of claim 2 at the paragraph bridging pages 4 and 5.

³ Bird at column 5, line 10.

an operation may be particularly significant in the context of having a screen that can be closed to a main body, see for example Figures 7A-7D in the present specification.

Applicants respectfully submit that it is improper to summarily dismiss several features in the claims as design choices or Official Notice and not fully consider the benefits achieved by the specific structure set forth in independent claim 1.

In such ways, applicants respectfully submit that independent claim 1 clearly distinguishes over the applied art.

With respect to the other independent claims, the other independent claims recite similar limitations as in independent claim 1 noted above, and are also believed to be allowable for similar reasons as noted above.

In such ways, applicants respectfully submit that each of the currently pending claims distinguishes over the applied art.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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